

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SAMUEL HERRERA, JR.

Petitioner,

vs.

CENTRAL VALLEY COMMUNITY
CORRECTIONAL FACILITY,

Respondent.

Case No. 3:10-CV-00455-LRH-(VPC)

ORDER

Petitioner, who is imprisoned in California, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Central District of California. That court determined that petitioner was challenging a judgment of conviction in the Fourth Judicial District Court of the State of Nevada and transferred the action to this court. This court has reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner will need to file an amended petition.

Petitioner does not allege that he is in custody in violation of the Constitution or the laws of the United States. See 28 U.S.C. § 2254(a). In his sole ground for relief he alleges, in full, “Currently completing a California State Sentence released Date, 04/25/2010, now held under Prison Grounds for a Out-of-State Felony Warrant after released completing sentence at Shafter Correctional Facility in California State Prison.” Petition, p. 6 (#1). “Conclusory allegations which are not supported by a statement of specific facts do not warrant habeas relief.” James v. Borg, 24 F.3d 20, 26 (9th Cir.1994). Petitioner will need to file an amended petition in which he alleges facts that could show why his custody is illegal.

1 Petitioner has named a jail or prison as respondent. That is incorrect. In the amended
2 petition, petitioner needs to name the person who has custody over him. See 28 U.S.C. § 2242.

3 IT IS THEREFORE ORDERED that the clerk of the court shall send petitioner a petition for
4 a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with instructions. Petitioner shall have
5 thirty (30) days from the date that this order is entered in which to file an amended petition to
6 correct the noted deficiencies. Failure to comply with this order will result in the dismissal of this
7 action.

8 IT IS FURTHER ORDERED that petitioner shall clearly title the amended petition as such
9 by placing the word "AMENDED" immediately above "Petition for a Writ of Habeas Corpus
10 Pursuant to 28 U.S.C. § 2254" on page 1 in the caption, and petitioner shall place the docket
11 number, 3:10-CV-00455-LRH-(VPC), above the word "AMENDED."

12 DATED this 26th day of August, 2010.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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